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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,498

10/15/2003

Colin Michael Kernan

883.0059USU

3539

7590

12/15/2005

Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

GILMAN, ALEXANDER

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,498

Applicant(s)

KERNAN, COLIN MICHAEL

Examiner

Alexander D. Gilman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 10, 11, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Mendelson et al.

With regard to claims 1, 11, 17, Mendelson et al (US 6,267,602) disclose a detachable power supply apparatus for an appliance comprising:

a temperature control device (5) for electrical connection to the appliance (2) , said temperature control device having a first member, said first member (44) extending outwardly from a first side (outer surface of the central wall 25) of said temperature control device (col. 5, lines 22-24) , said temperature control device having a conductor(35) being on said first side, said temperature control device having a probe (10) on a second side being opposite said first side; and a power supply cord (4) having a female electrical connector at a power supply first end, said female connector connecting to said conductor, said female connector being connectable to a power supply to supply power to said female connector and to said conductor, said power supply cord having a second member (76) on said power supply first end, wherein said first member mechanically selectively fastens to said second member so that upon application of a

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force upon said power supply cord said first member disengages said second member without disturbing a position of the appliance.

With regard to claims 9, 10, Mendelson et al disclose that said probe selectively connects to a port of the appliance, said temperature control device having a thermostat with a dial (20) electrically connected to said probe, said temperature control device controlling an operating temperature of the appliance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 8, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson et al in view of Corona.

With regard to claims 2-4, 13-16, 18, Mendelson et al disclose all of the limitations, as applied to claim 1 above, except for a plurality of bulbous members each having a stem connected to a spherical portion and a plurality of clips having stem connected to a clasping portion.

Corona (US 6,379,169) discloses a plurality of bulbous members (100) having a stem connected to a spherical portion and a plurality of clips (70) having stem connected to a clasping portion.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the first and the second member as mechanical fasteners, as taught by Corona, to dependably and cost effectively attach the temperature control device to power supply cord.

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With regard to claim 8, Mendelson et al when modified by Corona, disclose that said plurality of first members and said plurality of clips disengage upon application of a desired force.

With regard to claim 19, Mendelson et al when modified by Corona, disclose (Corona) that when said clip (70) releaseably engages said bulbous catch pin power traverses from said power source to said first electrical component, and wherein power does not traverse from said power source to said first electrical component when said clip releaseably disengages said bulbous catch pin.

Allowable Subject Matter

Claims 5-7 are allowed

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter. Specifically, none of the prior art of record discloses the combination of the limitations presented including the plurality of first members being disposed between a plurality of conductors on said first side (claim 5); said plurality of clips being disposed between a plurality of female electrical connectors on said power supply cord (claim 6); said plurality of clips having the specified shape (claim 7); the spring clip being substantially C shaped. (claim 20).

Response to Arguments

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Applicant's arguments filed 09/30/2005 have been fully considered but they are not persuasive.

With regard to claims 1, 11, Applicants argue that the prior art (Mendelson) Mendelson discloses coupling which is due to magnetic forces, and not to frictional forces, since, Mendelson states that "the pins 35 are not frictionally engaged within holes 52 as the conventional plugs". Hence, Mendelson fails to disclose that "said first member mechanically and selectively fastens to said second member," as recited in claim 1.

However, a function "fastens mechanically" was interpreted as a connection resulting from physical forces (The Heritage, 4th Ed, M. Webster 10th Ed). In this case, the first member is fastened by force of friction. While this force is caused by magnetic field, the connection is considered as being mechanical – frictionally connected.

Examiner agrees that "the pins 35 are not frictionally engaged within holes 52 as the conventional plugs" In Mendelson, not the pins and the holes communicate frictionally, but the contact surfaces 44 and 66. In this case magnetic forces cause frictional connection.

With regard to claims 2-4, 8, 16 and 18, Applicants argue that Corona may be separated in a different way in comparison with the invention and Mendelson.

However, the method of operation is not claimed.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

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USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the secondary reference (Corona) which teaches the removable locking structure (because of the flexibility and resilience of the rubber) similar to the one of the invention. Both Mendelson and Corona are related to separable, detachable connectors.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/17/2005

A handwritten signature in cursive script that reads "Alex Gilman".

ALEXANDER GILMAN
PRIMARY EXAMINER